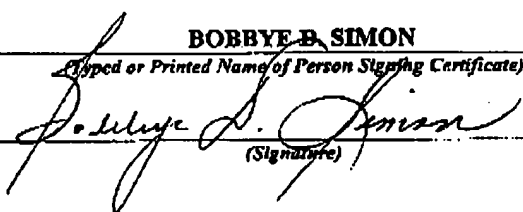

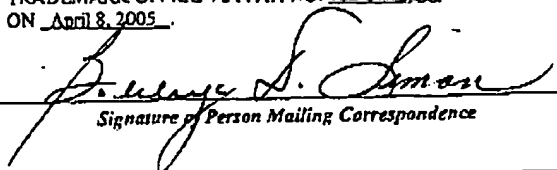


<b>CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)</b> Applicant(s): <b>MORTZ, Margaret S.</b>			Docket No.	
Serial No. <b>10/700,319</b>	Filing Date <b>November 3, 2003</b>	Examiner <b>WINAKUR, Eric Frank</b>	Group Art Unit <b>3736</b>	
Invention: <b>PULSE OXIMETRY SpO2 DETERMINATION</b>				
RECEIVED CENTRAL FAX CENTER  APR 08 2005				
<p>I hereby certify that this <u>First Preliminary Amendment and copy of Information Disclosure Statement</u> (Identify type of correspondence) is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>703-872-9306</u>) on <u>April 8, 2005</u> (Date)</p> <p style="text-align: center;"><u>BOBBYE B. SIMON</u> (Typed or Printed Name of Person Signing Certificate)  (Signature)</p> <p style="text-align: center;">Note: Each paper must have its own certificate of mailing.</p>				

<b>AMENDMENT TRANSMITTAL LETTER (Large Entity)</b>					Docket No. 41942-05546	
Applicant(s): MORTZ, Margaret S.						
Application No. 10/700,319	Filing Date November 3, 2003	Examiner Not Yet Assigned	Customer No. 25231	Group Art Unit 3736	Confirmation No. 5097	
Invention: PULSE OXIMETRY SpO2 DETERMINATION						
<b>COMMISSIONER FOR PATENTS:</b>					RECEIVED CENTRAL FAX CENTER APR 08 2005	
Transmitted herewith is an amendment in the above-identified application. The fee has been calculated and is transmitted as shown below.						
<b>CLAIMS AS AMENDED</b>						
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE	
TOTAL CLAIMS	24 -	20 =	4	x \$18.00	\$72.00	
INDEP. CLAIMS	6 -	3 =	3	x \$88.00	\$264.00	
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00	
<b>TOTAL ADDITIONAL FEE FOR THIS AMENDMENT</b>					<b>\$336.00</b>	
<input type="checkbox"/> No additional fee is required for amendment. <input checked="" type="checkbox"/> Please charge Deposit Account No. 50-1419 in the amount of \$336.00 <input type="checkbox"/> A check in the amount of to cover the filing fee is enclosed. <input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account 50-1419 <input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16. <input type="checkbox"/> Any patent application processing fees under 37 CFR 1.17. <input type="checkbox"/> Payment by credit card. Form PTO-2038. <b>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</b>						
 Signature			Dated: April 8, 2005			
Kent A. Fischmann, Esq. Registration No. 35,511 MARSH FISCHMANN & BREYFOGLE LLP 3151 South Vaughn Way, Suite 411 Aurora, Colorado 80014 (720)562-5501			<b>CERTIFICATE OF TRANSMISSION BY FACSIMILE</b> I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING TRANSMITTED TO THE UNITED STATES PATENT AND TRADEMARK OFFICE VIA FAX NO. 703-872-9306 ON April 8, 2005.  Signature of Person Mailing Correspondence			

cc:

## PATENT APPLICATION

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APR 08 2005

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

MORTZ, Margaret S.

Serial No.: 10/700,319

Filed: November 3, 2003

Confirmation No.: 5097

Atty. File No.: 41942-05546

For: "PULSE OXIMETRY SpO2  
DETERMINATION"

) Group Art Unit: 3736

)

) Examiner: WINAKUR, Eric Frank

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) **FIRST PRELIMINARY AMENDMENT**

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CERTIFICATE OF TRANSMISSION BY FACSIMILE
I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING TRANSMITTED TO THE UNITED STATES PATENT AND TRADEMARK OFFICE VIA FAX NO. <u>703-872-9306</u> ON <u>April 8, 2005</u> .
MARSH FISCHMANN & BREYFOOT LLP
BY <u>Bobbie D. Simon</u> Bobbie D. Simon

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Prior to the initial review of the above-identified patent application by the Examiner, please enter the following Preliminary Amendment. Please charge all additional fees associated with this Preliminary Amendment to Deposit Account No. 50-1419.

Please amend the above-identified patent application as follows: